

REMARKS

In the Restriction Requirement mailed September 30, 2005, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-35, drawn to an apparatus and method for fitting a hearing aid, classified in class 381, subclass 314.
- II. Claims 36-38, drawn to a method of using a genetic algorithm crossover operator, classified in class 700, subclass 29.
- III. Claims 39-43, drawn to a method of using a genetic algorithm mutation operator, classified in class 700, subclass 31.

Applicant elects, without traverse, Group I, claims 1-35. Applicant respectfully cancels claims 36-43 (Groups II and III) without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/051,757

Filing Date: January 16, 2002

Title: HEARING AIDS AND METHODS AND APPARATUS FOR AUDIO FITTING THEREOF

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Dkt: 899.056US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC DURANT

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

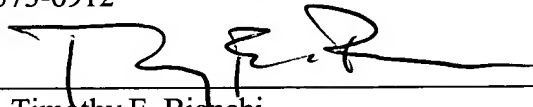
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Date Oct. 27, 2005

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of October, 2005.

Name

KATE GANNON

Signature

